

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FRED ROBINSON, *et al.*)
Plaintiffs,)
v.) No. 3:17-cv-01263
Defendant.) JUDGE TRAUGER

COMMISSIONER JEFF LONG'S MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Rule 12(c), Fed. R. Civ. P., Defendant Jeff Long,¹ in his official capacity, moves for judgment on the pleadings, and the dismissal of Plaintiff's Amended Complaint (DE 111) with prejudice. Commissioner Long submits that Plaintiffs, who have challenged the constitutionality of Tenn. Code Ann. § 55-50-502(a)(1)(H)-(I) on equal protection and due process grounds, cannot prevail on the merits of their claims in light of the Sixth Circuit's decision in *Robinson, et al. v. Long*, No. 18-6121 (6th Cir. May 20, 2020). Because the Sixth Circuit has upheld the constitutionality of the challenged statute and the Department's license-suspension policies pursuant to the statute, *see Robinson, et al. v. Long*, No. 18-6121, slip op. at 6 (6th Cir. May 20, 2020), the case should be dismissed with prejudice.

¹ Subsequent to the appeal of this matter, Jeff Long succeeded David W. Purkey as the Commissioner of the Department of Safety and Homeland Security. Commissioner Long, therefore, is substituted pursuant to Rule 25(d), Fed. R. Civ. P.

A Memorandum of Law is submitted contemporaneously with this Motion.

Respectfully submitted,

HERBERT H. SLATERY III
Attorney General and Reporter

/s/ Andrew B. Campbell
ANDREW B. CAMPBELL (14258)
Senior Assistant Attorney General
Public Interest Division
Andrew.Campbell@ag.tn.gov (615) 532-0356

ALEXANDER S. RIEGER (29362)
Assistant Attorney General
Public Interest Division
P.O. Box 20207
Nashville, TN 37202
Alex.Rieger@ag.tn.gov (615) 741-2408

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August, 2020, a copy of the foregoing document was served by CM/ECF to:

Premal Dharia Edward P. Krugman Jonas Wang Civil Rights Corps 910 17th Street NW, Suite 500 Washington, DC 20006 <i>Counsel for Plaintiffs</i>	Kristin Ellis Berexa Farrar & Bates 211 Seventh Ave., North, Suite 500 Nashville, TN 37219 <i>Counsel for Mt. Juliet, Gaskill, Wilson County, Moss, Lebanon, Rutherford County, Linville, and Harrell</i>
Claudia Wilner Theresa Lau National Center for Law and Economic Justice 275 Seventh Avenue, Suite 1506 New York, NY 10001 <i>Counsel for Plaintiffs</i>	Edward Evan Cope Josh A. McCreary Cope, Hudson, Reed & McCreary, PLLC 16 Public Square, North P.O. Box 884 Murfreesboro, TN 37133 <i>Counsel for Rutherford County, Harrell</i>
Josh Spickler Just City 902 South Cooper Street Memphis, TN 38104 <i>Counsel for Plaintiffs</i>	Michael Ray Jennings 326 N Cumberland Street Lebanon, TN 37087 <i>Counsel for Wilson County, Moss</i>
Matthew G. White Baker, Donelson, Bearman, Caldwell & Berkowitz, PC 165 Madison Avenue, Suite 2000 Memphis, TN 38103 <i>Counsel for Plaintiffs</i>	Louis Gino Marchetti, Jr. Charles S. Michels Taylor, Pigue, Marchetti & Blair, PLLC 2908 Poston Avenue Nashville, TN 37203 <i>Counsel for Mt. Juliet</i>
Mark Ennis McGrady Farrar & Bates 211 Seventh Ave., North, Suite 500 Nashville, TN 37219 <i>Counsel for Mt. Juliet, Gaskill, Wilson County, and Moss</i>	Phillip Andrew Wright, Jr. City of Lebanon 200 Castle Heights Avenue, N Lebanon, TN 37087 <i>Counsel for Lebanon, Linville</i>

/s/ Andrew B. Campbell
ANDREW B. CAMPBELL